IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

55 KENMORE LANE, LLC, :

Assignee of Kenmore Woods, LLC

:

Plaintiff,

CIVIL ACTION NO. 10-1089

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UPPER PROVIDENCE TOWNSHIP, UPPER PROVIDENCE TOWNSHIP SEWER AUTHORITY,

v.

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Defendants.

ORDER

AND NOW, this 30th day of November, 2010, upon consideration of "Defendants',
Upper Providence Township and Upper Providence Township Sewer Authority, Motion for
Reconsideration" (Doc. 31) of the Court's Order of November 15, 2010, and Plaintiff's "Answer
of Plaintiff, Kenmore Woods, LLC, to Motion for Reconsideration of Upper Providence
Township and Upper Providence Township Sewer Authority" (Doc. 35), it is hereby **ORDERED**that:

- Defendants' Motion is GRANTED as unopposed with respect to Plaintiff's
 claims against Defendant Upper Providence Township. All claims against Upper
 Providence Township shall be DISMISSED. The Clerk of Court is directed to
 modify the case caption accordingly so as to reflect that Upper Providence
 Township Sewer Authority is the only remaining defendant.
- 2. Defendants' Motion is **GRANTED** with respect to Plaintiff's misrepresentation claim set out in Count Three. Count Three shall be **DISMISSED** in its entirety.

3. Defendants' Motion is **DENIED** with respect to their request to dismiss the remaining claims without prejudice, pursuant to 28 U.S.C. § 1367(c).

IT IS FURTHER ORDERED that trial on those claims set out in Counts Two, Four, Five and Six against Defendant Upper Providence Township Sewer Authority shall commence as scheduled on Monday, December 6, 2010 at 9:30 a.m. in Courtroom 3H.

BY THE COURT:

/s/ David R. Strawbridge
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE